

REMARKS

Claims 1, 2 and 4-17 are pending in this application. By this Amendment, claims 1, 2, 4-6, 8-14, 16 and 17 are amended. Claim 3 is canceled. Support for the amendments may be found in the specification at, for example, paragraphs [0073]-[0075].

Applicant thanks Examiners Jean and Tang for the courtesy extended to Applicant's representative, Mr. Luo, during the March 8, 2005, personal interview. The substance of the personal interview is incorporated in the following remarks.

A. The Office Action rejects claims 1-3 and 5-17 under 35 U.S.C. §102(e) over U.S. Patent 6,832,084 to Deo et al. This rejection is respectfully traversed.

The Office Action asserts that Deo discloses all elements recited in claims 1-3 and 5-17. Applicant respectfully submits that Deo does not disclose or suggest receiving one or more search parameters from the wireless device, the one or more parameters different from a menu navigation command of the wireless device, and identifying a folder based on the one or more search parameters, wherein the identified folder is part of a preexisting deck used by the wireless device, as recited in claim 1; receiving one or more search parameters from the wireless device, the one or more parameters different from a menu navigation command of the wireless device, and identifying a selection of a plurality of folders and/or a plurality of items based on the one or more search parameters, each of the plurality of folders and items being part of a preexisting deck used by the wireless device, as recited in claim 5; or an interface receiving one or more search parameters from the wireless device, the one or more parameters different from a menu navigation command of the wireless device, and a search device that performs a search operation based on the one or more search parameters, the search operation identifying at least one folder and/or at least one item, the at least one folder and at least one item each being part of a preexisting deck used by the wireless device, as recited in claim 10.

Deo discloses a mobile device having objects stored under folders. See col. 2, lines 33-44, and col. 11, lines 23-30. The objects may be updated based on an identifier of an object, such that a search may be performed in a memory store 54 for an existing data set having the matching identifier. See col. 13, lines 31-35. Deo discloses searching the memory store 54 for a dataset to update, but does not disclose or suggest identifying a folder or item that is part of a preexisting deck used by a mobile device. Therefore, Deo does not disclose or suggest receiving one or more search parameters from the wireless device, the one or more parameters different from a menu navigation command of the wireless device, and identifying a folder based on the one or more search parameters, wherein the identified folder is part of a preexisting deck used by the wireless device, as recited in claim 1; receiving one or more search parameters from the wireless device, the one or more parameters different from a menu navigation command of the wireless device, and identifying a selection of a plurality of folders and/or a plurality of items based on the one or more search parameters, each of the plurality of folders and items being part of a preexisting deck used by the wireless device, as recited in claim 5; or an interface receiving one ore more search parameters from the wireless device, the one or more parameters different from a menu navigation command of the wireless device, and a search device that performs a search operation based on the one or more search parameters, the search operation identifying at least one folder and/or at least one item, the at least one folder and at least one item each being part of a preexisting deck used by the wireless device, as recited in claim 10.

For at least the above reasons, Deo does not disclose or suggest each and every element recited in claims 1, 5 and 10. Thus, Deo does not disclose or suggest the subject matter recited in claims 1, 5 and 10, and claims 2, 6-9 and 11-17 depending therefrom. Accordingly, withdrawal of the rejection of claims 1, 2 and 5-17 under 35 U.S.C. §102(e) is respectfully requested.

B. The Office Action rejects claim 4 under 35 U.S.C. §103(a) over Deo in view of U.S. Patent 6,185,198 to LaDue. This rejection is respectfully traversed.

The Office Action acknowledges that Deo does not disclose or suggest an operation that performs one of facilitating a purchase based on the one or more queries, facilitating a reservation based on the query and placing a phone call based on the query, as recited in claim 4. However, the Office Action asserts that LaDue discloses these features. Applicant respectfully submits that Deo and LaDue, individually or in combination, do not disclose or suggest identifying a folder based on the one or more search parameters, wherein the identified folder is part of a preexisting deck used by the wireless device, as recited in claim 1.

LaDue discloses a wireless communications network which includes switch means to reserve and route selected voice channels or traffic channels in response to a remote feature access control operation. See col. 4, lines 22-31. LaDue does not disclose or suggest identifying a folder that is part of a preexisting deck used by a wireless device. Therefore, LaDue does not supply the subject matter lacking in Deo.

For at least the above reason, Deo and LaDue, individually or in combination, do not disclose or suggest the subject matter recited in claim 1. Claim 4 is patentable at least in view of the patentability of claim 1, from which it depends, as well as for the additional features it recites. Accordingly, withdrawal of the rejection of claim 4 under 35 U.S.C. §103(a) is respectfully requested.

C. The Office Action rejects claims 1-17 under the judicially created doctrine of double patenting over, and under 35 U.S.C. §101 as claiming the same invention as that of, claims 1-28 of U.S. Patent 6,603,984. While these rejections are moot in view of the above-outlined amendments to the claims, these rejections are respectfully traversed.

Applicant respectfully submits that the subject matter recited in claims 1, 2 and 4-17 of the present application is patentably distinct from that recited in claims 1-28 of the 984 patent.

For example, claim 1 of the present application recites identifying a folder based on the one or more search parameters, wherein the identified folder is part of a preexisting deck used by the wireless device. On the other hand, claim 1 of the 984 patent recites displaying at the wireless device a first directed message based on the received navigation command and the received related information, wherein the related received information is any information beyond that information which would be displayed solely in response to a selection of the navigation command. Applicant respectfully submits that "identifying a folder" is subject matter that would not have been obvious from "displaying a message." Thus, the subject matter recited in claims 1, 2 and 4-17 of the present application is patentably distinct over that recited in claims 1-28 of the 984 patent. In fact, the Office Action failed to show a *prima facie* case of obviousness to support the double patenting rejection under the judicially doctrine of double patenting and appears to be comparing the application claims to the patent disclosure, which is improper. (Double patentability can only be properly applied by analyzing the application claims in view of the patent claims alone.)

Furthermore, Applicant respectfully notes that a proper rejection under 35 U.S.C. §101 would require that the subject matter recited in claims 1, 2 and 4-17 of the present application be identical to that recited in claims 1-28 of the 984 patent. See MPEP §804 (II)(A) at page 800-20, in which it is explained that "a reliable test for double patenting under 35 U.S.C. 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent. . . . Is there an embodiment that falls within the scope of one claim but not the other? If there is such an embodiment, then . . . statutory double patenting would not exist." As shown above, the subject matter of "identifying a folder" recited in claims 1, 2 and 4-17 of the present application is not identical to the subject matter of displaying a message as recited in claims 1-28 of the 984 patent. Thus, the subject matter recited in claims 1,

2 and 4-17 of the present application is not identical to the subject matter recited in claims 1-28 of the 984 patent.

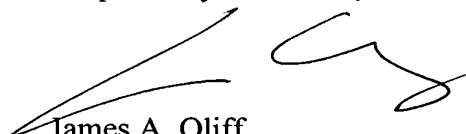
For at least the above reasons, the subject matter recited in claims 1, 2 and 4-17 of the present application is patentably distinct over, or not identical to, the subject matter recited in claims 1-28 of the 984 patent. Accordingly, withdrawal of the rejections under the judicially created doctrine of double patenting and under 35 U.S.C. §101 is respectfully requested.

* * *

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2 and 4-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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